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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,969	12/04/2003	Jacqueline Margaret Kyle	BOWL-3834	7689
7590	05/03/2006		EXAMINER	
Arlen L. Olsen Schmeiser, Olsen & Watts Suite 201 3 Lear Jet Lane Latham, NY 12110			MAI, TRI M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/727,969	KYLE, JACQUELINE MARGARET	
	Examiner	Art Unit	
	Tri M. Mai	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/03/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the outer and inner layers, the adhesion in claim 12, the pocket in claim 15, and the full length of the edge portions are connected to one another must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 13, and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The disclosure does not teach the full length of the edge portions are connected to one another. Note the opening 17 for the handle portion.

3. Claims 12, 13, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear where is the adhesion in claim 12. It seems that claim 1 previous recited that the panels are connected together by stitches.

The front and rear panels can not be attached at a full length of the edge portions, since the handle would be impossible to get through.

4. Claim 1, 2, 3, 5, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bevier (5131442) in view of Olson (6148999). Bevier teaches a device having opposed front and rear panels, each defined by an edge portion and connected together along a substantial length of the edge portion of each panel by a stitched seam. Bevier teaches the protector is made from plastic. It would have been obvious to one of ordinary skill in the art to make the protector from textile material, i.e., polyester, (col. 2, ln. 61) as taught by Olson to provide an alternative material for the protector.

5. Claim 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bevier in view of either Jack (5704475). It would have been obvious to one of ordinary skill in the art to provide two layers as taught by Jack (Fig. 6), or Webster (col. 4, ln. 59) to provide added protection.

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6. Claims 1-10, 13-15, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bevier (5131442) in view of Webster, Jr. (5005623). Bevier teaches a device having opposed front and rear panels, each defined by an edge portion and connected together along a substantial length of the edge portion of each panel. Bevier teaches the protector is made from plastic. It would have been obvious to one of ordinary skill in the art to make the protector from textile material, i.e., polyester, (col. 4, ln. 59) as taught by Webster to provide an alternative material for the protector.

Regarding claim 6, note the two layers in Webster, Jr.

Regarding claims 4, and 7, it is noted that fabric material from Belvier in view of Webster is stretchable since fabric are inherently stretchable, although moderately. Note the teachings in Perrin (5482160, col. 2, ln. 2)

Regarding claim 9, the material of the Belvier in view of Webster is inherently has heat resistant properties as claimed, i.e., the claims do not impart any structure over the structures of Belvier in view of Webster.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Belvier rejection, as set forth above, and further in view of Thompson (6283290). It would have been obvious to one of ordinary skill in the art to provide decorative patter as taught by Thompson, col. 7, ln. 43) to advertise and/or to provide aesthetic values.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Belvier rejection, as set forth above, and further in view of Solov (5226464). It would have been obvious to one of ordinary skill in the art to provide adhesion as taught by Solov, col. 4, ln. 38) to provide alternative means for attaching various pieces of material together.

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9. Claims 1-6, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Alcorn (6036067) in view of Gaffney (6095214). Alcorn teaches a protector formed by opposed front and rear panels and a handle opening and an opening formed in the pocket. Gaffney teaches that it is known in the art to attach two pieces of material by stitching. It would have been obvious to one of ordinary skill in the art to use stitching in Alcorn as taught by Gaffney to provide the desired method for attaching two pieces of material together. With respect to the material being two layers of stretchable fabric. Gaffney teaches that it is known in the art to provide two layers of stretchable fabric, it would have been obvious to one of ordinary skill in the art to provide two layers of stretchable fabric to provide the desired fabric for the cover and to provide the desired protection for the cover.

Regarding claim 2, note the edge of the rear panel defines part of the opening as claimed.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tri M. Mai
Primary Examiner
Art Unit 3727